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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,238	12/28/2001	Shinichi Hirata	217537US-6 DIV	6314

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EXAMINER	
BROWN, RUEBEN M	

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
07/14/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/029,238	HIRATA, SHINICHI	
	Examiner	Art Unit	
	REUBEN M. BROWN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/09 has been entered.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. At the time the invention was made, it was old in the art to transmit reservation data as teletext character strings.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake, (US PG-PUB 2003/0031465), in view of Kang, (U.S. Pat # 5,543,933).

Considering claims 17, 23 & 30, the claimed reception device/method for controlling a recording module, comprising:

'means for receiving a formatted file through the network' reads on the personal computer, PCTV or set top box, Para [0027] & [0031] & [0089].

'means for extracting at least one text-based control command in said formatted file received by the means for receiving, wherein the text-based control command is in the formatted file to control the recording module', reads on the disclosure in Blake that the user may send recording requests via an e-mail account via the processing system 334. The processing system 334 communicates the requests to the user's recoding device 336.

'means for controlling the recording module based on the text based control command extracted by the means for extracting, such that the means for controlling has a timer reservation function and the means for controlling reserves an operation time of the recording module' reads on the disclosure of Blake, which teaches that control codes maybe transmitted through a telecommunications network to activate and control a VCR a subscriber's residence to record a

program specifically requested by the user. Blake also teaches that the user may send an e-mail message to processing system 334, [0089]-[0093].

As for the claimed *'timer reservation function'*, this feature is inherently included in Blake since the system starts the playback & recording of a particularly requested movie/program at the appropriate time. Such a step requires a timing mechanism that determines the appropriate date/time in order to turn on & tune a receiving/recording device to the appropriate channel.

As for the additionally recited feature of the formatted file '*including operating mode information, and starting & ending time'*, Blake teaches transmitting starting time, ending time, channel data, but does not discuss transmitting the VCR mode parameter. Nevertheless, Kang teaches reserve-record system that takes in starting & ending time, as well as tape speed, i.e. operating mode, when reserving a program to be record, see Fig. 12; col. 12, lines 6-58. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Blake to utilize additional parameter when reserving a program to be received, at least for the added benefit of the ensuring the correct program is recorded and that the tape has enough capacity to record at the requested quality/speed, as taught by Kang, sol. 3, lines 5-42; col. 4, lines 45-65; col. 10, lines 37-60.

Even though Kang does not teach that the control parameters are transmitted, one of ordinary skill in the art would have readily recognized the benefit of utilizing such parameters in the system of Blake, for the purpose as discussed, also see Kang (col. 6, lines 39-65).

As for the further claimed feature of the *'means for controlling judges whether a character string is transmitted in the formatted file is a control command, such that when a control command is transmitted the means for controlling checks for one at least a reservation commands cancellation command an a confirmation command'*, Blake does not discuss checking the transmitted file for control commands, as such. However, Hemmi provides a teaching of a reservation recording recognition device 9 that searches for and detects a TV program table information transmitted as teletext, see col. 7, lines 15-50 & col. 8, lines 46-63. In particular, Hemmi extracts teletext character strings and detects transmitted reservation data, which is used to reserve a program for recoding, see col. 11, lines 25-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Blake to transmit/receive teletext data as reservation data for the desirable benefit of simplifying the reservation process, as taught by Hemmi, Abstract; col. 3, lines 31-67 thru col. 4, lines 1-14.

Considering claims 18, 24 & 31, Blake teaches that a PC, PCTV, laptop, STB or any other device capable of transmitting data from a remote location, including by use of a modem, [0089] and that the devices may operate using a web browser, which reads interprets data transmitted over the Internet, [0027], [0041] & [0093].

Considering claims 19, 25 & 32, the claimed subject matter reads on Blake [0089] & Kang (col. 9, lines 48-53), which teaching storing the reserve/recording parameters.

Considering claims 20-21, 26-27 & 33-34, the claimed TV recording module, reads on the VCR unit in Blake or Kang.

Considering claims 22 & 29, the claimed subject matter reads on Blake Para, [0034] & [0079].

Considering claim 28, Blake discusses that the receiver may include a modem, [0026], [0030].

5. Claims 35-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake, Hemmi & Kang, further in view of Lawler, (U.S. Pat # 5,585,838).

Considering claims 35, 40 & 47, the claimed subject matter that corresponds with limitations mentioned in the rejection of claims 17 & 23, are likewise treated. As for the additionally recited feature of the reception device for controlling a recording module at a location different from the first location, Blake does not explicitly disclose the location of the central processing system 334. Nevertheless, Lawler which is in the same field of endeavor of recording programming that can be distributed from a server, teaches that when a user makes a request using a Record button, that the recording may take place at a VCR local to the user or at the remote server, see Fig. 7; col. 13, lines 61-67 thru col. 14, lines 1-15. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Blake to allow recording at the head end, as taught by Lawler, at least for the desirable advantage of generally more storage capacity being available at the headend than at the user's location.

As for the further claimed feature of the *'means for controlling judges whether a character string is transmitted in the formatted file is a control command, such that when a control command is transmitted the means for controlling checks for one at least a reservation commands cancellation command an a confirmation command'*, Blake does not discuss checking the transmitted file for control commands, as such. However, Hemmi provides a teaching of a reservation recording recognition device 9 that searches for and detects a TV program table information transmitted as teletext, see col. 7, lines 15-50 & col. 8, lines 46-63. In particular, Hemmi extracts teletext character strings and detects transmitted reservation data, which is used to reserve a program for recoding, see col. 11, lines 25-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Blake to transmit/receive teletext data as reservation data for the desirable benefit of simplifying the reservation process, as taught by Hemmi, Abstract; col. 3, lines 31-67 thru col. 4, lines 1-14.

Thus, the claimed subject matter is met by the above discussion that in Blake and Lawler, of a user at home or at remote location sending a request to Record a program. Subsequently the program is recorded at the headend, as taught Lawler, col. 14, lines 10-14.

As for the claimed *'transmitter'* or *'means for transmitting'*, reads on the remote location used by a subscriber to schedule recordings on their home VCR, Blake [0089].

Considering claims 36, 41 & 48, Blake teaches that a PC, PCTV, laptop, STB or any other device capable of transmitting data from a remote location, including by use of a modem, [0089] and that the devices may operate using a web browser, which reads interprets data transmitted over the Internet, [0027], [0041] & [0093].

Considering claims 37, 42, & 49, Blake discloses that the processing system 334 stores the recording information, [0089], whereas in at least one embodiment of Lawler the time information would necessarily be stored at the headend.

Considering claims 38-39, 43-44 & 50-51, the claimed TV recording module, reads on the VCR unit in Blake or Kang.

Considering claim 46, the claimed subject matter reads on Blake

Para, [0034] & [0079].

Considering claim 45, Blake discusses that the receiver may include a modem, [0026], [0030].

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kinghorn & Huh Teach transmitting reservation data as teletext data.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424